

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Performance Energy Services, LLC, a)	
Colorado limited liability company,)	
)	ORDER
Plaintiff,)	
)	
vs.)	
)	Case No. 1:24-cv-246
Tesoro High Plains Pipeline Company,)	
LLC, a Delaware limited liability company,)	
)	
Defendants.)	

Plaintiff initiated the above-captioned action with the filing of a Complaint on December 6, 2024. (Doc. No. 1). Rule 4(m) of the Federal Rules of Civil Procedure establishes the time frame in which service of the summons and Complaint must be effectuated. Specifically, it provides:

If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against defendant or order that service be made within a specified time. But if plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m); see also Kurka v. Iowa Cty., 628 F.3d 953, 957 (8th Cir. 2010) (“A showing of good cause requires at least ‘excusable neglect’—good faith and some reasonable basis for noncompliance with the rules.” (quoting Adams v. AlliedSignal Gen. Aviation Avionics, 74 F.3d 882, 887 (8th Cir. 1996)).

Plaintiff’s deadline to serve Defendant is March 6, 2025. Fed. R. Civ. P. 4(m). On March 3, 2025, it filed a Motion for Extension of Time to Serve Complaint on Defendant. (Doc. No. 5). Advising that the Parties are engaged in early settlement negotiations, Plaintiff requests the court to extend its deadline to serve Defendant with the Complaint until May 6, 2025, as this will afford the Parties additional time to work toward a resolution of this matter before extending additional

resources on litigation.

The court finds there is good cause to extend Plaintiff's deadline to serve Defendant. Accordingly, Plaintiff's motion (Doc. No. 5) is **GRANTED**. Plaintiff shall have until May 6, 2025, to serve Defendant's with the Complaint.

IT IS SO ORDERED.

Dated this 3rd day of March, 2025.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court